

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

Plaintiff

V.

ADP MARSHALL, INC., a FLUOR DANIEL COMPANY, and  
FIREMAN'S FUND INSURANCE COMPANY,

## Defendants

CIVIL ACTION

NO. 04-CV-10203-PBS

ADP MARSHALL, INC.,

Plaintiff-in-Counterclaim,

V.

MASSACHUSETTS DEVELOPMENT FINANCE AGENCY,

## Defendant-in-Counterclaim

ADP MARSHALL, INC.,

### Third-Party Plaintiff

V.

ALLIED CONSULTING ENGINEERING SERVICES, INC.,  
ANDOVER CONTROLS CORPORATION, R&R WINDOW  
CONTRACTORS, INC. and DELTA KEYSpan, INC. n/k/a  
DELTA KEYSpan, LLC,

### Third-Party Defendants

**PRE-TRIAL DISCLOSURE OF THE THIRD-PARTY DEFENDANT, ALLIED  
CONSULTING ENGINEERING SERVICES, INC.**

Pursuant to Fed. R. Civ. P. 26(a)(3) and this Court's Order, the third-party defendant, Allied Consulting Engineering Services, Inc. ("Allied"), hereby makes its pre-trial disclosure. As there has been limited discovery in this matter, Allied fully reserves its rights to supplement this disclosure.

A. Witnesses Allied Expects to Call at Trial

Michael Zimmerman, P.E.  
215 Boston Post Road  
Sudbury, Massachusetts 01776  
(508) 626-0262

Kenneth M. Elovitz, P.E.  
26 Elm Street  
Foxboro, Massachusetts 02035  
(508) 543-2447

B. Witnesses Whose Testimony is Expected to be Presented by Means of Deposition

Allied does not expect to introduce any deposition testimony as no depositions have been taken in this matter.

C. Documents Allied Expects to Introduce into Evidence at Trial

Allied's Engineering Design Drawings and Specifications

May 5, 2000 Symmes Maini Plans and Specifications

Base Building Plans and Specifications

Tenant Fit-Out Plans and Specifications

Allied's Contract with ADP Marshall

Project submittals and approvals

Worksheet of Kenneth M. Elovitz, P.E. dated October 25, 2004

Recommended Engineering Analysis of Kenneth M. Elovitz dated January 24, 2005

Respectfully submitted,

ALLIED CONSULTING ENGINEERING  
SERVICES, INC.

By its Attorneys

/s/ Jay S. Gregory

David J. Hatem, BBO# 225700

Jay S. Gregory, BBO# 546708

DONOVAN HATEM LLP

Two Seaport Lane

Boston, MA 02110

Phone: 617-406-4500

Dated: July 1, 2005

**CERTIFICATE OF SERVICE**

I, Jay S. Gregory, Esquire, hereby certify that on this 1<sup>st</sup> day of July, 2005, the foregoing was served by first class U.S. mail to:

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/s/ Jay S. Gregory